

APPLICANT(S): A. RIBAK, et al.
SERIAL NO.: 10/695,972
FILED: October 29, 2003
Page 4

REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 15 - 25 and 37 are pending in the application and have been rejected. There are no amendments presented herewith

The Telephone Interview

Initially, Applicants wish to thank the Examiner, Michael Yaary, for granting and attending the telephone interview with Applicants' Representative, Heidi M. Brun, Reg. No. 34,504 on December 23, 2008.

CLAIM REJECTIONS

35 U.S.C. § 103 Rejections

In the Office Action the Examiner rejected claims 15 and 37 under 35 U.S.C. 103(a) as being anticipated by Ruths et al. (*US Patent Publication No. 2003/0018719*) in view of Guthrie (*US Patent Publication 2004/015811*) and rejected claims 16 – 25 under 35 U.S.C. 103(a) as being anticipated by Ruths et al. and Guthrie in view of Fitzpatrick (*US Patent 7,039,677*). Applicants respectfully traverse this rejection in view of the remarks that follow.

Applicants respectfully submit that Guthrie is not prior art and, therefore, cannot be the basis of any prior art rejection. The effective filing date of Guthrie is February 10, 2003, whereas the filing date herein is October 29, 2003. Since Guthrie is not more than a year prior to the filing date, it is not prior art.

APPLICANT(S): A. RIBAK, et al.
SERIAL NO.: 10/695,972
FILED: October 29, 2003
Page 5

Moreover, the date of Invention of the subject matter of this application is no later than 2001 and reference is made to the accompanying Declaration of the Inventor, Amnon Ribak. The formal disclosure was submitted to the IBM IP Department in October, 2001. Thus, Guthrie is likewise not prior to the date of Invention and is not prior art on this basis.

Therefore, it is respectfully requested that the rejections under Section 103 be withdrawn. Since Guthrie is a critical reference in the prior art rejections, the rejections cannot be supported without it and obviously must be withdrawn.

In view of the foregoing remarks, the pending claims 15 – 25 and 37 are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Response, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Respectfully submitted,

/Suzanne Erez/
Suzanne Erez
Reg. No. 46,688
Phone: 1-888-2605928

IBM Corporation
Intellectual Property Law Department
P.O. Box 218
Yorktown Heights, New York 10598

Date: 5 January 2009